(3)

CH 604

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

Writ petition No. 3560 /2003

petitioner :- Smt. Aleyamma Mathunni
W/o Shri P. C. Mathunni
Aged about 52 years,
R/o House No. MIG/300-C,
M.P.Housing Board Colony,
old Borsi, P.O. Borsi
Distt. DURG (C.G.)

P. R. No. 33603
Presented by Shri M.K. Nayak
dated 30.10.03

Versus

Respondents:- (1) Chief Medical and Health Officer
District Hospital,
State of Chhattisgarh,
DURG (C.G.)

(2) Secretary,
State of Chhattisgarh
Department of Health and Family Welfare
Secretariate,
Dau Kalyan Singh Bhawan,
Raipur (C.G.)

(3) Director
Health Services Chhattisgarh State
Raipur (C.G.).

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS OR PROHIBITION CERTIORARY AND OR WRIT OF ANY OTHER NATURE AND OR DIRECTION.

contd...2

(31)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.3560/ **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	02.01.2004 Shri R.M. Solapurkar, counsel for the petitioner. Shri Ranbir Singh Marhas, Govt. Advocate for the State/ respondents. Heard both the counsel. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged the order dated 12.09.2003 (Annexure P-4) by which the petitioner has been posted at Sub Health Centre, Hitekasa, of Health Centre, Gurur Learned counsel for the petitioner submits that the petitioner was working as Health Worker at Bastar. On the ground of ill health of her husband and ailing son, the petitioner requested for transfer at Durg and on request, she was transferred vide order Annexure P-1 to Durg and by the impugned order she has been transfer by the District Medical Officer at a place 90 Kms. away from Durg. Therefore, the purpose for which the petitioner sought transfer to Durg stands defeated and she is not able to provide proper medical treatment to her husband and son. Perusal of order Annexure P-1, by which the petitioner was transferred to Durg, shows that even though it was mentioned in the order that she is posted in the District Hospital, Durg (under the C.M.O.), vide impugned order, the District Medical Officer showing his inability on the ground of non-availability of post, posted the petitioner at Sub Health Centre, Hitekasa.	

(32)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.3560/ **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, as the learned counsel for the petitioner submits that the purpose for which the petitioner has sought her transfer at Durg stands defeated and she is not able to provide proper medical treatment to her husband and son, the petitioner is allowed to make a representation within ten days from today to respondent No.1 raising all her grievances and in turn, respondent No.1 shall consider the representation of the petitioner and pass appropriate order within 30 days from the date of receipt of the same, in an objective manner with a reasoned order. With the above observations and directions, the petition stands disposed of. Consequently, M.(W.)P.No.3223/2003 and I.A.No.10211/2003 also stand disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

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